

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 17-575 (FAB)

ANGEL ROSADO-MELENDEZ,

Defendant.

SENTENCING MEMORANDUM

TO THE HONORABLE FRANCISCO A. BESOSA
JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO:

NOW COMES Defendant FRANCISCO A. BESOSA through the undersigned counsel and respectfully submits the following Sentencing Memorandum with respect to the upcoming sentencing hearing.

On January 25, 2018, Mr. Rosado entered a straight plea to the sole count of the indictment that charges that on or about October 21, 2017, Mr. Rosado, having been convicted of a crime unusable by imprisonment for a term exceeding one year did possess a firearm and ammunition in violation of Title 18 US Code Section 922g(1), 18 US Code Section 924 (a)(2).

The Presentence Investigation Report ("PSR") determined that under USSG Section 2K2.1 (a)(6) possession of firearm by a convicted felon has a **Base Offense Level of 14**. Since the firearm possessed by Mr. Rosado was a stolen

firearm, a two-level increase applies pursuant to USSG Section 2K2.1(b)(?4). Since Mr. Rosado accepted responsibility in a timely manner, the BOL offense level is decreased **three (3) levels** for acceptance of responsibility in accordance with Section 3E1.1(a), for a **Total Offense Level of 13.** PSE, p. 5.

Mr. Rosado's prior convictions (2) result in a criminal history score of 6 which establishes a **Criminal History Category of III.** PSR, pp 6-8, paragraphs 27-30. A total offense level of **13** and a criminal history category of III establishes a guideline range of imprisonment of **18 to 24 months.** PSR, page 11, paragraph 56.

Although under 18 U.S. Code Section 3553 the court must consider a series of factors that include deterrence to criminal conduct, promote respect for the law, and protection of the public from further crimes, the court also shall impose a sentence sufficient, but not greater than necessary to comply with the goal of sentencing and shall impose a sentence of the kind and within the guideline range unless the court finds that there exists an aggravating or mitigating circumstances of a kind, or to a degree, not adequately take into consideration by the Sentencing Commission that should result in a sentence different from that described. 18 U.S. Code Section 3553. The defense submits that a sentence of **18 months of imprisonment** is a **reasonable sentence** and not more than necessary to comply with the goals of sentencing, considering the nature and circumstances of the offense and Mr. Rosado's personal history and

characteristics.

As narrated in the PSR, Mr. Rosado has a long history of drug abuse that commenced with marihuana at age 14, and then at age 22, he started to inhale cocaine, the last time been the day of the instant arrest when he used to consume about twelve to twenty bags per day. However, he has not received any treatment to address his drug dependency history. PSR, p. 9, paragraph 44.

Mr. Rosado has sustained a consensual relationship with Amneris Santiago and since June 21, 2017 he has been residing with her and her mother. He feels enthusiastic about his future. Mr. Rosado is truly repentant of his conduct and assumes responsibility for his deeds. The time he has spent in prison this time free of drugs has generated a sense of introspection that has allowed him to recognize the wrong path he had taken in his life and the need to change course and live a law abiding life free of drugs and dedicated to love ones and the people who really cares for him. He has realized that after spending a substantial amount of time in prison and after having overcome his needs for drugs, for the first time in his life he feels he is in a real path to rehabilitation. He feels enthusiastic about the future and looks forward to get the most benefit from his incarceration. After his release from imprisonment, he now plans to move out of Puerto Rico and reside at a place where he can procure a job and be away from the same environment in which he committed the instant offense. He also plans to continue studying. A sentence of 18 months of imprisonment,

the lower end of the applicable guideline range, fully accounts for all the offense conduct in this case as well as for his criminal history.

WHEREFORE for the foregoing reasons Mr. Rosado respectfully requests this Honorable Court to take notice and consider all the sentencing factors and information herein made available and that he be sentenced to the lower end of the applicable guideline range of imprisonment, that is, **18 months of imprisonment.**

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 23rd day of April, 2018.

/S/ Ramon M. Gonzalez
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of this document been on this same date filed through the Clerk of Court's electronic filing system which would electronically send copy of this document to all interested parties/attorneys.

/S/ Ramon M. Gonzalez
RAMON M. GONZALEZ